

Article - Estates and Trusts

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§9–206.

If a holder disclaims a power of appointment or other power not held in a fiduciary capacity, the following rules apply:

- (1) If the holder has not exercised the power, the disclaimer takes effect as of the time the instrument creating the power becomes irrevocable;
- (2) If the holder has exercised the power and the disclaimer is of a power other than a presently exercisable general power of appointment, the disclaimer takes effect immediately after the last exercise of the power; and
- (3) The instrument creating the power is construed as if the power expired when the disclaimer became effective.

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